REMARKS/ARGUMENTS

1.)   Claim Amendments

The Applicant has amended claims 16, 17, 27 and 28; no claims have been cancelled or added. Accordingly, claims 16-30 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.)   Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 16-30 as being unpatentable over Boden *et al.* (US 6,330,562) in view of "A Public-key based secure Mobile IP," Zao, *et al.* (hereinafter "Zao"). The Applicant traverses the rejections.

Claim 16 has been amended to include a limitation previously included in claim 17, and now recites:

> 16.   (Currently Amended)   A secure communication method for allowing a mobile host to communicate with a correspondent host over a Virtual Private Network via a Security Gateway, the method comprising the steps of:
> negotiating at least one Security Association between the mobile host and the Security Gateway;
> negotiating at least one Security Association between the mobile host and a correspondent host of a Virtual Private Network;
> initiating a communication between the mobile host and the Security Gateway and <u>sending an authentication certificate to the Security Gateway, the certificate including data identifying a Security Association which will be used for subsequent communication between the mobile host and the correspondent host</u>; and
> <u>sending data packets, via the Security Gateway, from the mobile host to the correspondent host using the identified Security Association</u>;
> <u>wherein said data packets are forwarded by the Security Gateway to the correspondent host only if they are authenticated by the Security Gateway</u>. (emphasis added).

The Examiner asserts that Boden discloses:

> "a secure communication method for allowing a mobile host to communicate with a correspondent host over a Virtual Private Network via a Security Gateway, the method comprising the steps of:

(1) negotiating at least one Security Association between the mobile host and a correspondent host of a Virtual Private Network (Boden, col. 3, line 31);

(2) initiating a communication between the mobile host and the Security Gateway (Boden, col. 3, line 65-66) but fail [*sic*] to show

sending an authentication certificate to the Security Gateway, the certificate including data identifying a Security Association which will be used for subsequent communication between the mobile host and the correspondent host; and

(3) sending data packets from the mobile host to the correspondent host using the identified Security Association, via the Security Gateway;

wherein said data packets are forwarded by the Security Gateway to the correspondent host only if they are authenticated by the Security Gateway.

The Applicant agrees with the Examiner that Boden fails to disclose the noted limitations of claim 16. The Applicant, however, disagrees with the Examiner as to the disclosure of those limitations by Zao.

The Examiner states that "Zao teach [*sic*] the certificate contain [*sic*] information about identify and network affiliation of these entities (Security Association) as well as the public key parameters necessary for key generation. 'By exchanging (sending an authentication certificate) these certificates and challenge-response messages, the end hosts can identify themselves to the Mobility Agents (VPN gateway) and to one another (col. 1, page 375, 2nd to last paragraph)." The Examiner's characterization of the teachings of Zao, even if correct, do not render the Applicant's claimed invention obvious.

First, the Examiner characterizes the "Mobility Agents" of Zao as "VPN gateways," which, though not stated, he apparently equates to Applicant's Security Gateway. A "Mobility Agent," as described by Zao, however, is not a gateway; it is the generic term used by Zao for a *Home Agent* or a *Foreign Agent.* (see column 1, paragraph 1, page 373). These network layer agents "capture IP datagrams that are destined to the Mobile Node's *permanent IP address* in its *home network* and redirect these datagrams using IP-IP encapsulation . . . to a temporary IP address, called the *care-of IP address* (COA), that is assigned to the Mobile Node while it is visiting a *foreign network.*" (emphasis in original). The Examiner does not provide any support for

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equating this teaching of Zao to the invention recited in Applicant's claim 1, to wit: a secure communication method for allowing a mobile host to communicate with a correspondent host over a Virtual Private Network via a Security Gateway, wherein the mobile host initiates a communication between the mobile host and a Security Gateway and sends an authentication certificate to the Security Gateway, the certificate including data identifying a Security Association which will be used for subsequent communication between the mobile host and a correspondent host. Second, the Examiner states, without any support, that "it would have been obvious for data packets to be forwarded by the Security Gateway to the corresponding host only if the Security Gateway authenticates the hosts successfully."

In rejecting Applicant's invention, the Examiner has impermissibly used hindsight by attempting to read back into the prior art the teachings of Applicant's own disclosure. The Examiner has used Applicants' claims as a blueprint to pick and chose elements from the prior art similar to Applicants' individual claim limitations, without regard to the manner in which those limitations have been combined by Applicant to effect a novel and useful improvement to the state of the art. Various bits of data or teachings of the prior art are not properly combined unless there is something in the prior art itself that suggests that those teachings could or should be combined. Both the suggestion for combining teachings to make the invention and its reasonable likelihood of success "must be founded in the prior art, not in the applicant's disclosure." *In re Dow Chem.* 837 F.2d 469, 473 (Fed. Cir. 1988). Because the Examiner has failed to meet that burden, he has failed to establish a *prima facie* case of obviousness and, therefore, claim 16 should be allowed.

Furthermore, whereas claims 17-28 are dependent from claim 16 and include the limitations thereof, and whereas independent claims 29 and 30 contain limitations analogous to claim 16, the Examiner has also failed to establish a *prima facie* case of obviousness thereof.
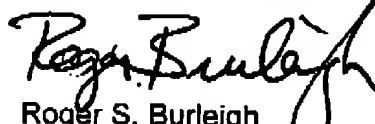
CONCLUSION

In view of the foregoing amendments and remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 16-30.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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